RECORD AND BRIEFS

No. 10- 1287

Supreme Court, U.S.
FILED
MAY 24 2011
OFFICE OF THE CLERK

In The

Supreme Court of the United States

LUCILLE S. WHITE ,

Petitioner,

v.

DISTRICT OF COLUMBIA BOARD OF PROFESSIONAL RESPONSIBILITY

Respondent.

On Petition for a Writ of Certiorari To the District of Columbia Court of Appeals

---

SUPPLEMENTAL APPENDIX

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May 24, 2011

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DISTRICT OF COLUMBIA
COURT OF APPEALS

In the Matter of	)
	)
LUCILLE SAUNDRA WHITE	)
Respondent	)
	)
	)
District of Columbia Bar No: 463929	)

DCCA No: 09-BG-1012
Bar Docket No: 2004-D292

EMERGENCY MOTION TO CONTINUE ORAL ARGUMENTS

NOW COMES, Respondent Lucille S. White, Pro Se to request continue the Oral Arguments scheduled in this matter for October 26, 2010 and provides the following to support this request:

1. On August 20, 2010, Respondent received an email from this Court, Chief Deputy Clerk, Joy A.Chapper regarding the scheduling of oral arguments in this matter.

2. On August 22, 2010, Respondent responded to the Court's email and provided her schedule of unavailability for the month of October (See **Exhibit 1**).

3. Respondent mailed a copy of her reply brief to this Court and to the Board of Professional Responsibility on January 21, 2010. Respondent listed her current office address as 1401 Mercantile Lane, Suite 200C, Largo, MD 20774.

4. Respondent's prior postal office address listed as 3540 Crain Highway, No. 107, Bowie, MD 20716 was not effective as of April 4, 2010. Also, Respondent did not receive any forwarding mail from her former office address.

5. Respondent was informed by the Manager of her former postal office address that he would forward any mail sent to her at the former address to her current address and after April 4, 2010, the UPS store would not accept any mail inter alia certified, register or priority mail address to her since Respondent did not renew her postal box after April 4, 2010.

6. Respondent's mother died in August 2010 and thus, Respondent was in and out of the office from August 23 through October 22, 2010 assisting with her mother's estate. But Respondent's official personnel kept her abreast of any and all communication and correspondence from all sources.

7. However, Respondent did not receive any further emails, letters or any other correspondence from this Court regarding this matter after August 20, 2010.

8. On Monday, October 25, 2010, Respondent contacted this Court regarding the schedule for this matter and was informed that this matter was scheduled for oral arguments on October 26, 2010 and that the scheduling notice was mailed to my former address at 3540 Crain Highway, No. 107, Bowie, MD 20716.

9. Respondent was informed that the Court had not received her brief and that Bar Counsel had filed a Request to waive Oral Arguments in this matter and allow Bar Counsel to simply submit its Brief.

10. Respondent was further informed that on October 26, 2010, Bar Counsel would submit its brief and the Court would take Bar Counsel's request upon advisement.

11. This Court's personnel informed Respondent that another matter captioned as DCCA No. 10-BG- 795 had been consolidated with DCCA No. 09-BG-1012 upon request by Bar Counsel and on October 26, 2010, this matter would also be considered under advisement by the Court.

12. Respondent did not receive notice of the scheduled argument from this Court and the UPS store never informed her or forward any correspondence from this Court or from Bar Counsel.

12. Also, Respondent never received a copy of Bar Counsel's Request to waive oral argument or a request to consolidate this matter. Respondent did not receive any correspondence regarding the description or nature of DCCA matter No. 10-BG-795.

WHEREFORE, Respondent request that the oral argument schedule in DCCA No. 09-BG-1012 be reschedule and the Bar Counsel's Request to consolidate DCCA No. 09-BG-1012 be vacated since Respondent's Due Process Rights will be violated since she was not provided with:

> (1) Notice of the schedule for oral arguments in DCCA No. 09-BG-1012, (2) notice of Bar Counsel's Request to waive oral arguments; (3) notice of description or nature of DCCA No. 10-BG-795 and (4) notice of DC Bar Counsel's Request for Consolidation of DCCA No. 09-BG-1012 DCCA No. 10-BG-795.

Respectfully submitted,

/s/ Lucille S. White
Lucille S. White, Pro Se
1401 Mercantile Lane, Suite 200C
Largo, Md 20774
(240) 455-6158

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of October, 2010, I hand delivered six (6) copies of the foregoing to the District of Columbia Court of Appeals , 430 E Street, NW, Washington, DC 20001 and I mailed a copy of the foregoing by first class mail on the 26th day of October 2010 to the following:

Office of Bar Counsel
515 5th Street, NW
Building A, Room 117
Washington, DC 20001

Board on Professional
Responsibility
430 E Street NW, #138
Washington, DC 20001

/s/ Lucille *S. White*
Lucille S. White

DISTRICT OF COLUMBIA
COURT OF APPEAL

In the Matter of	)
	)
LUCILLE SAUNDRA WHITE	)
Respondent	)
	)
	)
District of Columbia Bar No: 463929	)
	)
	)
	)

DCCA No: 09-BG-1012
Bar Docket No: 2004-D292

MOTION FOR LEAVE TO REFILE HER RESPONSE BRIEF REGARDING BAR DOCKET NO: 2004-D292

NOW COMES, Respondent Lucille S. White, Pro Se to request leave to refile her response brief regarding Bar Docket Number 2004-D292 and provides the following to support this request:

1. On October 25, 2010, Respondent learned for the first time that the District of Columbia Court of Appeals had not received her Response brief that was mailed to the DC Court of Appeals on January 21, 2010 and on March 31, 2010. **See Exhibit 1**(Respondent Lucille S. White's Response/Brief to Bar Counsel Brief filed on December 21, 2009)

2. Bar Counsel filed its brief on December 21, 2009 and Lucille S. White received Bar Counsel's brief on December 24, 2009. On January 21, 2010, Respondent mailed her respond brief to the DC Court of Appeals and to DC Bar Counsel's office.

3. On March 30, 2010, Respondent retrieved a letter from her mailbox from DC Court of Appeals with a post mark date of March 25, 2010. The envelope contained an Order dated February 4, 2010 and informed Respondent that it had not received her response brief and ordered her to file her brief within 15 days.

4. On March 31, 2010, Respondent again mailed her response Brief to DC Court of Appeals and informed the Court that she had previously mailed her brief n January 21, 2010 and the prior brief had not been returned and thus, Respondent assumed that it had received her brief.

5. On April 14, 2007, Respondent received an email from the DC Court of Appeals that requested her to send dates that she would like the Court to avoid in scheduling Case No: 09-BG-1012. On April 22, 2010, Respondent responded with her conflict dates.

6. On August 20, 2010, Respondent received another email from DC Court of Appeals that advised Respondent that Case No: 09-BG-1012

would be scheduled for oral argument in October 2010 and again requested Respondent to provide any dates that she wished to avoid. Respondent responded to the Court's email on August 22, 2010.

7. Currently, Respondent has not received any information regarding DCCA No. 10-BG-795 from this Court, DC Bar Counsel or the DC Board of Professional Responsibility.

WHEREFORE, Respondent prays that this Court will grant her leave to file the attached Response Brief that had previously been mailed to this Court on January 21, 2010 and March 31, 2010. Respondent further request that this Court will reschedule oral arguments for this matter and consider Respondent Response Brief attached as **Exhibit 1** and any other relief by which Respondent might be entitled too.

Respectfully submitted,

/s/ Lucille S. White
Lucille S. White, Pro Se
1401 Mercantile Lane, Suite 200C
Largo, Md 20774
(240) 455-6158

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of October, 2010, a copy of the foregoing was mailed by first class mail to:

DC Court of Appeals
430 E Street, NW,
Washington, DC 20001

Office of Bar Counsel
515 5th Street, NW
Building A, Room 117
Washington, DC 20001

DC Board on Professional
Responsibility
430 E Street, NW, Suite 138
Washington, DC 20001

/s/ Lucille *S. White*
Lucille S. White

DISTRICT OF COLUMBIA
COURT OF APPEAL

Nos. 09-BG-1012 & 10-BG-795

IN RE:
LUCILLE S. WHITE, RESPONDENT

A Member of the Bar of the
District of Columbia Court of Appeals
(Bar Registration No. 463929)

On Report and Recommendation of the
Board on Professional Responsibility
(BDN 292-04) (BDN 169-06)

RESPONDENT LUCILLE S. WHITE'S PETITION FOR A HEARING

NOW COMES, Respondent Lucille S. White to submit her Petition for a hearing on this matter because the Order dated January 20, 2011 that disbarred Respondent from the practice of law in the District of Columbia conflicts with controlling authority and the Order violated Respondent's due process rights guaranteed her by the 14th Amendment of the US Constitution.

PROCEDURAL BACKGROUND

Lucille S. White received the first complaint that is the subject of the Board of Professional Responsibility August 20, 2009 report in July

2005. Prior to filing the complaint against Respondent, DC Bar Counsel initiated an investigation of the matter.

On or around March 2005, after Bar Counsel wrapped up its investigation of the matter, DC Bar Assistant Bar Counsel Julia Porter contacted Respondent and requested Respondent to consent to a Admonition. Respondent did not consent because she had not violated DC Professional Rule 1.11 and Rule 8.4(d).

The Complaint from DC Bar Counsel stated that Respondent was being charged with violation of Rule 1.11 and Rule 8.4(d). However, the allegation relating to Rule 8.4(d) was extremely vague. Respondent was represented by counsel throughout these proceedings. However, after the Hearing Committee rendered its Adverse decision on April 9, 2007 Respondent could not financially afford to retain her former counsel. The Hearing Committee held that Respondent had violated Rule 1.11 and Rule 8.4(d) and ordered Respondent be suspended for a period of thirty days (30) with a fitness requirement.

Thereafter, Respondent represented herself and filed exceptions and a brief in response to the Hearing Committee Report. Respondent never received a copy of the Board of Professional Responsibility's Report and Recommendation that was filed with the D.C. Court of Appeals. Therefore, upon receipt of the DC Court of Appeal's Show Cause Order, Respondent filed a

Motion to vacate the Board's August 20, 2009 findings and recommended sanctions after receipt of DC Court of Appeals Show Cause Order. Respondent argued in her Motion to vacate the Board's August 2, 2009 Report and findings because her due process rights were violated under D.C. Bar XI, §9 since the Board failed to provide her with a copy of its report.

Respondent never received any correspondence from this Court as to whether her Motion had been denied or granted. However, in accordance with this Court's November 2009 Order, it construed Respondent's Motion to vacate the Board's decision as her exceptions and directed Bar Counsel to file a brief and within thirty days after receipt of Bar Counsel's brief, Respondent's brief would be due. Bar Counsel filed its brief on December 21, 2009. Respondent received Bar Counsel's brief on December 24, 2009.

On January 21, 2010, Respondent mailed her responding brief to the DC Court of Appeals and to DC Bar Counsel's office. On March 30, 2010, Respondent retrieved a letter from her mailbox from DC Court of Appeals with a post mark date of March 25, 2010. The envelope contained an Order dated February 4, 2010 and informed Respondent that it had not received her response brief and ordered her to file her brief within 15 days.

On March 31, 2010, Respondent again mailed her response Brief to DC Court of Appeals and

informed the Court that she had previously mailed her brief on January 21, 2010 and the prior brief had not been returned and thus, she assumed that it had received her brief.

On April 14, 2007, Respondent received an email from the DC Court of Appeals that requested her to send dates that she would like the Court to avoid in scheduling Case No: 09-BG-1012. On April 22, 2010, Respondent responded with her conflict dates. On August 20, 2010, Respondent received another email from DC Court of Appeals that advised Respondent that Case No: 09-BG-1012 would be scheduled for oral argument in October 2010 and again requested Respondent to provide any dates that she wished to avoid. Respondent responded to the Court's email on August 22, 2010.

Respondent received the second complaint that is the subject of the Board of Professional Responsibility July 28, 2010 in April 2008. This complaint filed by DC Bar Counsel alleged that Respondent violated Rule 8.4(b) (committed perjury), Rule 8.4(c) (engaged in conducted involving fraud, deceit, misrepresentation and/or dishonesty; and Rule 8.4(d) (engaged in conduct that seriously interfered with the administration of justice.

On November 5, 2008 (after the hearing begun in this matter and after Respondent produced her List of Exhibits) Bar Counsel filed a motion for leave to file an amended Petition and Specification of Charges to include additional allegations that

Respondent had violated Rule 3.4(a)(altered evidence that she reasonably knew or should have known was or might be the subject of a subpoena; Rule 3.4(b) (falsified evidence) and Rule 8.1(a) (Respondent knowingly made a false statement of fact). Respondent objected to Bar Counsel's Motion for Leave to file Amended Charges based upon her submission of her List of Documents. Hearing Committee Number Nine never indicated whether it denied or granted Bar Counsel's Motion for Leave to Amend the charges against Respondent. Thus, Respondent never answered the Amended Complaint but filed an Opposition to Bar Counsel's Motion for Leave to Amend its Charges based upon her submission of her List of Documents.

The hearing in the second complaint was held over a period of six days. Again, Respondent represented herself in this matter. Bar Counsel filed its Brief in February 2009. Respondent filed a motion to extend the time to file her brief in February 2009 and thereafter filed her response brief on March 2, 2009.

Respondent never received Hearing Committee Number Nine's Recommendation that she be disbarred. Also, Respondent never received DC Board of Professional Responsibility Amended Report and Recommendation where the Board agreed that Respondent should be disbarred.

Respondent received notification of this Court's January 20, 2011 Disbarment Order on February 4, 2011.

another matter that is the same as or substantially related to the original matter.

Respondent worked as an Investigator Supervisor during her tenure with the D.C. Office of Human Rights. Respondent was not permitted to have in her possession and confidential information. Also, Respondent never saw or reviewed Gladys Thomas's Letter of Determination.

Gladys Thomas had permission to review her entire OHR file. Respondent did not present a copy of the tape recording to the late Janet Cooper between her and investigator Michelle Thomas until an attorney from the District of Columbia Attorney General's Office filed his Motion for Disqualification. Also, Bar Counsel nor Respondent did not introduce this tape recording during the hearing of this matter and it was not a part of the hearing.

The US District Court for the District of Columbia did not disqualify Respondent as the co-counsel for Gladys Thomas because Respondent never entered her appearance as co-counsel and there was never any proof on the record that Respondent had entered any agreement or received compensation as the co-counsel for Gladys Thomas. Also, Gladys Thomas case before the US District Court was against the DC Department of Consumer and Regulatory Affairs and not against the Office of Human Rights.

The Suspension Order clearly violated Respondent's due process rights because Respondent was never

provided notice of the Board Recommendation and Report and was never provided notice that it recommended that she be suspended for sixty days instead of thirty days because Respondent had alleged lied about her Brief being mailed back to her (incorrect address) even though Respondent provided Bar Counsel and the Board with copies of the returned envelope.

The Disbarment Order clearly indicated that Respondent's Due Process Rights were violated because the Order stated on the first page that Respondent did not file a brief. Also, the Order was not based on the record. For example, there was no proof that Respondent committed perjury during a D.C. Council Hearing. During this hearing in March 2003, the Councilman did not swear Respondent in prior to taking her testimony. Now, even though Respondent vehemently objected that she lied during this testimony, there can never be a perjury charge until one swears under oath that the statements they are making are truthful and correct. Now with the second council hearing held during the latter part of March 2003, Respondent was swore in but the Order does not indicate that Respondent made false statements under oath on this occasion and nor did the Board find that Respondent testified falsely when Respondent stated that she was only employed with the District of Columbia Office of Human Rights from November 2000 through January 2003.

Also, there was no proof on the record that Respondent falsified documents that she produced

for the record. Bar Counsel hired a Forensic Computer Analyst to review the diskettes that contained the documents that Respondent presented to the Board. The Analyst did not find any proof that the documents had been printed on a date other than the date that was revealed on the diskette. Bar Counsel did not introduce the Analyst Report. Respondent attempted to place the Analyst Diskette Report on the Record. However, the Board of Professional Responsibility returned Respondent's report to her without allowing the Hearing Committee to deny or reject Respondent's diskette that contained the Analyst Report.

CONCLUSION

In 2005, Respondent had been a practicing attorney for twenty-two (22) years. Also, within the twenty-two years, Respondent had never been subjected to any Bar Counsel complaints or investigations. Suddenly on or around March 2005, after her testimony before the D.C. Council in 2003, Respondent begun to be investigated by the District of Columbia Bar. The January 20, 2011 Order severely stumbles on Respondent's Procedural Due Process Rights and the Order was not based on the record and Respondent's briefs were not considered by the Court. Therefore, Respondent prays that this Court will grant a rehearing on this matter.

Respectfully submitted,

/s/ Lucille *S. White*
Lucille S. White, Pro Se

1401 Mercantile Lane, Suite 200C
Largo, Md 20774
(240) 455-6158

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of February, 2011, a copy of the foregoing was mailed by first class mail to:

DC Court of Appeals
430 E Street, NW,
Washington, DC 20001

DC Board of Professional Responsibility
430 E Street, NW, Suite 138
Washington, DC 20001

/s/ Lucille *S. White*
Lucille S. White